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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,463	07/31/2003	Charles H. Hoff	7241-1	5445

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EXAMINER	
SOOHOO, TONY GLEN	

ART UNIT	PAPER NUMBER
1723	

MAIL DATE	DELIVERY MODE
05/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/633,463	HOFF ET AL.	
	Examiner	Art Unit	
	Tony G. Soohoo	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2-14-2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Winn, Jr. 3741533 in view of Fassauer 3804303 and Barlow 4395131 and Ricciardi 4643582 (all previously cited).

The reference to Winn, Jr. 3741533 teaches a mixing discharge device for dry particulate by providing a housing 18, 16, through which a central transport inner tube 14 provides dry particulate and fluid is provided through the cylindrical shaped gap between the inside of 16 and the lower portion of the inner tube 14 to provide a curtain of fluid surrounding the central flow of the particulate at the outlet thereby mixing and wetting the material in which the ends of 14 and 16 co-terminate at the same point. (It is noted that a tube 20 is provided at an orientation which is transverse to the axis of the housing body 18, 16.)

The Winn, Jr, discloses all of the recited subject matter as defined within the scope of the claims with the exception of 1) having a fitting to attach the transverse tube 20 with that of the housing 18, and 2) having a means to deliver the particulate material including a weigh hopper, storage bin, a scale for the weigh hopper, and a

transport line including air and an eductor to transport the particulate material into the central tube discharge device.

With regards to the 1st issue, the reference to the reference to Ricciardi teaches a wet and dry wetting chamber having a housing 20 with a central tube for dry material and a transverse fitting inlet 22 connected to the housing which provides a liquid feed for wetting the material. As seen in figure 2 the fitting inlet 22 has threads and is connected to a larger transverse tube, as seen in figure1, connected to a water source.

In view of the showing by the Riccardi reference that one may provide a threaded fitting to connect the mixer/wetting device to a source of fluid, it is deemed that it would have been obvious to one of ordinary skill in the art to modify the inlet 20 with a threaded fitting so as to provide a convenient manner to connect and disconnect the device to a source of fluid for assembly or repair.

With regards to the 2nd issue, the Barlow discloses a system for feeding and transporting dry material having a weigh hopper 81, storage bin 21, a scale 82, an auger 45, a transport line 85 from the auger, a means 84 between the with a hopper 81 and transport line 85, as a device to provide a precise measurement of metering of dry material. Additionally, the reference to Fassauer (cited on PTO 1449) teaches a bin 23, metering device there between to a intermediate line 91 which is fed into a transport line 100. The material is conveyed using a blower 98 and an eductor Venturi system 95, 94 thereby provides an effective and efficient manner to move dry material in transport to another position.

In view of the teaching of Barlow and Fassauer as teachings a more advantageous manner to meter dry material, and to transport dry material, it is deemed that it would have been obvious to one of ordinary skill in the art to provide for the device of Winn, Jr., it is deemed that it would have been obvious to one of ordinary skill in the art to provide the dry metering means of Barlow, including a weigh hopper, storage bin, a scale for the weigh hopper, and a transport line including air and an eductor to transport the particulate material into the central tube discharge device, and in view of Fassauer, to further provide a dry transport means including a blower 98 and an eductor Venturi system 95, 94 thereby to additionally provide an effective and efficient manner to move dry material in transport to the central tube of the Winn, Jr. device.

With regards to the claims 2-6, the combination of Winn, Jr, Barlow and Fassauer discloses all of the recited subject matter as defined within the scope of the claims with the exception of having plural bins, respective plural weigh hoppers, respective introducing means to the transport line, respective scales, respective transport lines.

The Barlow and Fassauer reference as applied and modified to the Winn, Jr. reference discloses all of the recited subject matter as defined within the scope of the claims with a single example of a bin, scale, hopper, transport lines as discussed above with the exception of the provision of plural provisions of the respective structure to provide a plural transport of plural materials.

Whereby it is a old and well known technique of material processing to utilize plural machine respective components to provide a duplication of operation so that

plural components may be processed by a device, and since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art, St. Regis Paper Co. v. Bemis Co., 193 USPQ 8., it is deemed that it would have been obvious to one of ordinary skill in the art to duplicate the bins, weigh hopper, introducing means to the transport line, the scale, and transport lines of Barlow such that the device of Barlow, as modified, has plural bins, respective plural weigh hoppers, respective introducing means to the transport line, respective scales, and respective transport lines so that plural materials may be processed and delivered.

3. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winn, Jr. 3741533 in view of Barlow 4395131 and Fassauer 3804303 and Ricciardi 4643582 further in view of as applied to claim 1 above, and further in view of Pomerleau 2746728.

The combination of Winn, Jr., Barlow 4395131, Fassauer 3804303 and Ricciardi discloses all of the recited subject matter as defined within the scope of the claims with the exception of the inner tube having a flange which acts as a nozzle to accelerate the liquid flow between the inner tube and the inner body.

The reference to Pomerleau teaches that an inner tube 2 and outer body 7, 10 may have a section flange 3,4 which provides an accelerated flow in the flared lower extension to provide a venturing effect, column 2, lines 45-49.

In view of the teaching of Pomerleau that one may flare the inner tube to produce a Venturi effect between the inner an outer pipe to enhance flow, it is deemed that it

would have been obvious to one of ordinary skill in the art to modify the combination of Winn Jr., Barlow and Fassauer 3804303 and Ricciardi such that the inner tube is flared so as to provide a better flow of liquid as it exits the tube.

Response to Arguments

4. Applicant has referred to arguments made previously and alleged that there is no motivation or reason to combine.

5. It is noted that the invention is directed to a cooperation of a combination of systems, in particular, it requires a feed subsystem, transport subsystem, and mixing subsystem. Accordingly a person having ordinary skill in the art in the present invention would have knowledge and skill in each of such subsystems, in order to perfect the more complex system via the utilization of the subsystems. One must utilize and perfect the invention by the use of a knowledge of each differing subsystem in combination to produce the final effect produced by the device. Reasons and motivation to combine each of such subsystems of the recited references above has been provide and pointed out in the rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 8AM-5PM,Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on Acting SPE. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tony G Soohoo
Primary Examiner
Art Unit 1723